

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
) Confirmation No.: **5348**
) Rollhaus, et al.)
) Art Unit: **2627**
Application No. **10/767,961**)
) Examiner: **David Davis**
Filed: **January 29, 2004**)
) Attorney Docket No.: **13058.105001**
For: **Machine-Readable Optical Disc With**)
 Reading-Inhibit Agent)

**STATEMENT OF FACTS IN SUPPORT OF APPLICATION ON BEHALF
OF NON-SIGNING INVENTORS**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By signing below, I, Robert T. Neufeld, hereby declare the following:

1. I am the attorney of record for the above-referenced patent application and my registration number to practice before the U.S. Patent and Trademark Office is 48,394. I am making this declaration in support of the Petition Pursuant to 37 C.F.R. Section 1.47 filed by Flexplay Technologies, Inc. ("Flexplay").
2. The inventors for the above-referenced application are: Philip E. Rollhaus, John R. Powell, Eric J. Carlson, Daniel J. Ehntholt, Irwin C. Winkler, Christopher J. Marmo, and James R. Valentine. Because Mr. Rollhaus is deceased, when I refer to the inventors collectively, I am referring to Barbara Rollhaus - his wife and the executor of his estate (collectively, the "Inventors").
3. When informed by the Patent Office that the above-referenced patent application would require newly executed reissue declarations in view of the claim amendments, I prepared a packet of information for mailing to each of the Inventors. The packet sent to each of the Inventors included the following information:
 - a. an engagement letter proposing to compensate the inventors for their time in reviewing the application, the current claim set and the reissue declaration;
 - b. a copy of an assignment of each inventor's rights in the patent application to

I hereby certify that this correspondence is being electronically transmitted via EFS-Web to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on August 18, 2009.

/ Robert T. Neufeld /
Robert T. Neufeld, Reg. No. 48,394

Flexplay's predecessor;

- c. a copy of the reissue patent application as filed, which includes a copy of U.S. Patent No. 6,343,063;
- d. a copy of the current claim set pending in the reissue patent application and reflecting the amendments to the claims; and
- e. a reissue declaration (and attached addendum) for each inventor's review and signature.

As an example, a copy of the packet I sent to Mr. Carlson is attached as Exhibit A.

4. I mailed the packet of information to each of the Inventors via certified mail on May 21, 2009. I received a signed postcard from each of the Inventors acknowledging receipt of the packet sent via certified mail.

5. I received signed declarations from 5 of the 7 Inventors - Mr. Carlson, Mr. Valentine, Mr. Marmo, Mr. Powell, and Mr. Ehnholt. Copies of the signed declarations are attached as Exhibit B.

6. I did not receive a signed declaration or any other response from Mr. Winkler or Ms. Rollhaus, despite having received the signed certified mail postcard from each of them acknowledging receipt of the packet I sent. Copies of the signed certified mail postcards received from Mr. Winkler and Ms. Rollhaus are attached as Exhibit C.

7. I called both Mr. Winkler and Ms. Rollhaus several times and left voicemail messages for them several times during June and July of 2009. Neither Mr. Winkler nor Ms. Rollhaus have returned my calls and I have not received any correspondence from them.

8. Despite my attempts to contact Mr. Winkler and Ms. Rollhaus, it appears that they refuse to sign the reissue declaration.

9. Acceptance of the attached petition is needed to prevent irreparable damage or to preserve the rights of Flexplay.

10. I declare further that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true, and further that the statements are made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and

that such willful false statements may jeopardize the validity of the patent application or any patent issuing therefrom.

Date: August 18, 2009

/ Robert T. Neufeld /

Robert T. Neufeld

Reg. No. 48,394